

MORRISON, MAHONEY & MILLER, LLP

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September 17, 2004

Office of the Civil Clerk
United States District Court/Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way
Boston, MA 02210

Re: ML Strategies v The Noisette Company, LLC
U.S. District Court /Massachusetts C.A. No: 04-10641 RCL
Our File No: 10014225

Dear Sir or Madam:

The court has scheduled a hearing on the Defendant's Motion to Dismiss and a Rule 16 Conference for October 25, 2004, at 3:00 p.m. I have attached a copy of a "Notice of Change of Date for Juror Service," which compels me to appear for jury duty at the Newburyport District Court in Newburyport, MA on October 25, 2004, at 8:30 a.m. for jury duty.

I can not anticipate whether I'll be released from jury duty in the morning, or whether my civic duties will interfere with the hearing referenced above which is scheduled for 3:00 p.m.

Therefore, I ask that the court either: (a) continue the hearings to another date; or (2) allow me to contact the court at or before 12:00 noon on October 25, 2004 if it appears that jury duty will prohibit my attendance at the 3:00 hearing.

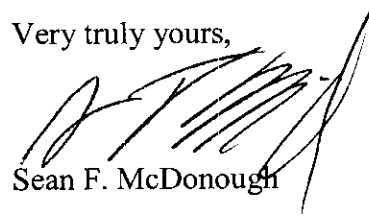
I am the only representative of the defendant with an appearance in this case who is in a position to argue the motion and attend the hearing scheduled for October 25, 2004 at 3:00 p.m. If there were another attorney in the firm who was prepared to handle the October 25, 2004, 3:00 p.m. hearing I would not ask the court to accommodate my previously scheduled jury duty.

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Thank you for your attention to this matter, and please provide some direction regarding the handling of the October 25, 2004, 3:00 p.m. hearing.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Sean F. McDonough', is written over the typed name.

Sean F. McDonough

SFM/km

cc: David E. Lurie, Esquire

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bcc: W. Andrew Gowder, Jr., Esquire
Pratt-Thomas, Epting & Walker
16 Charlotte Street
P.O. Drawer 22247
Charleston, SC 29413-2247

OPEN HERE



**Commonwealth of Massachusetts
Office of Jury Commissioner**

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SUITE 600
BOSTON, MA 02118-2447

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JURY DUTY: YOUR CIVIC OBLIGATION

A01185

JUROR ID# = 04-042976-05-29
SEAN F MCDONOUGH
20 ANVIL CIR
NORTH ANDOVER MA 01845-3366
|||||

04-042976-05-29

SIGNATURE OF JUROR

JURYDATAFEB03



OFFICE OF THE JURY COMMISSIONER
560 HARRISON AVENUE STE 600
BOSTON MA 02118-2447

PLACE
STAMP
HERE



A01185

NOTICE OF CHANGE OF DATE FOR JUROR SERVICE

Your juror service has been changed to the date, time, and place shown below. Under the law, you may not change it again. Please save this notice & bring it with you when you appear. If the date you requested was not available you were rescheduled to the next available date. You may use the attached postcard or contact our office by phone to request an alternate date if this date is not convenient.

You will not hear from this office again until approximately 10 days before your scheduled date. At that time you will receive additional information including a map and directions to the courthouse. If you must further communicate with this office, please use the attached postcard. Our telephone number is 1-800-THE-JURY. If you must call please be very patient. We receive as many as 1500 calls per day. Please notify us in writing if your address changes before your scheduled date.

Respectfully,
Jury Commissioner
for the Commonwealth

APPEAR: MONDAY, OCTOBER 25, 2004 AT 8:30 AM
NEWBURYPORT DISTRICT COURT
1ST FLOOR
ROUTE ONE ROTARY @ 188 STATE ST.